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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,817	12/27/2001	Gary A. Coen	BOEI-1-1038	6942
25315	7590	03/21/2006	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			SHECHTMAN, CHERYL MARIA	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,817

Applicant(s)

COEN, GARY A.

Examiner

Cheryl M. Shechtman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed January 3, 2006. Claims 1-28 are presented for examination. Claims 1 and 15 have been amended.

Response to Arguments

2. Referring to the 35 USC 112 second paragraph rejections of claims 1-28, Applicant's amendments to claims 1 and 15 are acknowledged. However, claims 1 and 15 as amended, now raise new 112 second paragraph deficiencies as addressed below.
3. Referring to amended claims 1 and 15, the claim amendments have overcome the prior art of record. As such, the 35 USC 103(a) rejection of claims 1-28 are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13-15, 27, and 28 recite the following limitations:

- Claim 1: "...based on the terms" and "terms associated with other determined lexical nodes" in para. 3 and 5 of the claim. It is unclear as to whether or not

the 'terms' are meant to refer to the metadata terms in para. 2 of the claim.

Examiner suggests clarification of the 'terms' to specify whether or not the terms are the metadata terms claimed.

- Claim 1: "the term's definition" and "each term's definition" in para. 3 and 4 of the claim. It is unclear as to which term definition is being referred to- the metadata terms' definitions in para. 2 of the claim or the metadata term definition in para. 3 of the claim. Examiner suggests clarification of the 'term's definition' to specify whether or not the term definition is a metadata term definition and which one is being referred to.
- Claims 13 and 14: "the terms" in para. 2 and 4 of claim 13 and "a term" in para. 2 of claim 14. It is unclear as to whether or not the 'term/s' is/are meant to refer to the metadata terms in para. 2 of claim 1 from which the claims depend. Examiner suggests clarification of the 'term/s' to specify whether or not the terms are the metadata terms claimed.
- Claim 15: "...based on the terms" and "terms associated with other determined lexical nodes" in para. 4 and 6 of the claim. It is unclear as to whether or not the 'terms' are meant to refer to the metadata terms in para. 3 of the claim. Examiner suggests clarification of the 'terms' to specify whether or not the terms are the metadata terms claimed.
- Claim 15: "the term's definition" and "each term's definition" in para. 4 and 5 of the claim. It is unclear as to which term definition is being referred to- the metadata terms' definitions in para. 3 of the claim or the metadata term

definition in para. 4 of the claim. Examiner suggests clarification of the 'term's definition' to specify whether or not the term definition is a metadata term definition and which one is being referred to.

- Claims 13 and 14: "the terms" in para. 2 and 4 of claim 13 and "a term" in para. 2 of claim 14. It is unclear as to whether or not the 'term/s' is/are meant to refer to the metadata terms in para. 2 of claim 1 from which the claims depend. Examiner suggests clarification of the 'term/s' to specify whether or not the terms are the metadata terms claimed.
- Claims 27 and 28: "the terms" in para. 2 and 3 of claim 27 and "a term" in para. 2 of claim 28. It is unclear as to whether or not the 'term/s' is/are meant to refer to the metadata terms in para. 3 of claim 15 from which the claims depend. Examiner suggests clarification of the 'term/s' to specify whether or not the terms are the metadata terms claimed.

Claims 1 and 15 recite the limitations "the plurality of determined lexical nodes" and "the determined plurality of lexical nodes" respectively in the second to last paragraph of the claims. There is insufficient antecedent basis for these limitations in the claims.

Due to the 35 USC 112 rejections, the claims have been interpreted as best understood by the examiner.

Allowable Subject Matter

5. Claims 1-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 1 and 15, Preston discloses a computer method and system for viewing a data dictionary structure, the system comprising a processor comprising: a first component configured to retrieve a data dictionary including terms and term definitions; a second component configured to determine all lexical nodes of the data dictionary based on the terms; a third component configured to parse each term's definition; a fourth component configured to determine dependencies of each lexical node based on the parsed definitions and terms associated with other determined lexical nodes; a fifth component configured to generate a lexical graph based on the determined lexical nodes and the determined dependencies; and a display coupled to the processor and configured to display at least a portion of the generated lexical graph.

Referring to claims 1 and 15, Pentheroudakis discloses a data dictionary including metadata terms and their definitions and that each lexical node of the data dictionary is associated with a metadata term and the term's definition.

Referring to claims 1 and 15, Bagga discloses retrieving a data dictionary including terms and term definitions (pages 3-4, Section 3 – 3.1) and creating a plurality of lexical nodes and determining dependencies of each node (page 5-6, Section 3.5.2).

Referring to claims 1 and 15, Hayes discloses generate a lexical graph based on lexical nodes and their dependencies by constructing a lexical graph that includes word nodes and relations among them (WordNet, para. 4, page 108; para. 4, page 110 ; page 112).

None of these references, taken either alone or in obvious combination, disclose all the claimed features of applicant's instant invention, specifically including: creating a plurality of lexical nodes of a data dictionary based on the metadata terms within the data dictionary, wherein each node is associated with a metadata term and the term's definition.

Also, there is no motivation to combine the references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Claims 2-14 and 16-28 depend from claims 1 and 15 respectively and are therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 'The Role of a GUI in The Creation of a Trainable Message Understanding System' by Amit Bagga; November 1997; Proceedings of the 1997 conference of the Centre for Advanced Studies on Collaborative research; pages 1-11;
- 'The Web of Words' by Brian Hayes; March-April 1999; A reprint from American Scientist; Volume 87, Number 2; pages 108-112.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Shechtman who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
March 17, 2006



UYEN LE
PRIMARY EXAMINER